

REMARKS

Claims 1-7 were pending in the application and new claims 8-14 are added with this amendment, so that claims 1-14 are pending. Claim 1 stands allowed, and claims 2-7 stand rejected.

Support for the amendment to claim 2 may be found, for example, at pages 57 and 58, and on page 6 of the Office Action under reply. Support for the amendment to claim 4 may be found at page 1, line 18. Support for the added claims may be found in the specification and claims as originally filed. For example, support for new claim 8 may be found at page 12, lines 13-16, and at page 14, lines 16-21. Support for new claims 9 –14 may be found , for example, in original claims 2-7; on page 15, lines 1-6; page 16, lines 23-29; page 59, lines 21-32; page 60, lines 1-23; and page 62, lines 3-5. No new matter is added by way of the amendments or new claims.

New claims 8-14 recite the subject matter of original claims 1-7 as directed to a peptide comprising SEQ ID NO: 108, with the added limitation that the peptide recited in new claim 8 "binds an IGF binding protein effective to reduce plasma insulin secretion when administered to a mammal." Applicants respectfully submit that a peptide that binds an IGF binding protein effective to reduce plasma insulin secretion when administered to a mammal may be reasonably expected to be susceptible of pharmaceutical use. Such a peptide is thus suitable for use in a composition including a pharmaceutically acceptable carrier, as recited in claim 9 (see also, for example, page 12, line 13 and page 14, lines 19-21 of the specification). Compositions and kits as recited in claims 10-14 (similar to those of claims 4-7) are likewise suitable for pharmaceutical use. See, for example, page 16, lines 23-29; page 31, lines 20-21; page 33, line 2; page 56, lines 7-17; page 57, lines 10-12; page 59, lines 21-30; and elsewhere in the specification. Accordingly, applicants respectfully submit that claims 8-14 recite new and useful subject matter enabled by the specification, and stand in allowable form.

The Rejections of Claims 2-7 under 35 U.S.C. § 112, first paragraph

Claims 2-7 were rejected under 35 U.S.C. § 112, first paragraph for alleged lack of enablement. The Examiner acknowledged, however, that the specification is "enabling for a composition comprising the amino acid sequence of SEQ ID NO:108 and a suitable carrier" (Office Action, page 2, lines 18-20). As claim 2 has been amended to recite a composition comprising a peptide comprising an amino acid sequence that is SEQ ID NO:108 and a suitable carrier, it should be held allowable.

Claims 3-7, depending from claims 1 and 2 and reciting further elements in addition to those of claim 2, thus each themselves were in allowable form. Accordingly, Applicants respectfully submit that the rejections to claims 2-7 under 35 U.S.C. § 112, first paragraph are overcome.

CONCLUSION

Applicants respectfully submit that all claims are in condition for allowance. The Examiner is respectfully requested to reconsider the rejection of claims 2-7 in view of the above-mentioned amendments and arguments, and to allow new claims 8-14. Should the Examiner believe that a telephone interview would expedite the prosecution of this application, Applicants invite the Examiner to call the undersigned attorney at the telephone number indicated below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 referencing Attorney's Docket No. 39766-0127P1D3.

Respectfully submitted,

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By:


James A. Fox (Reg. No. 38,455)

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-6951
Facsimile: (650) 324-6654

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